



Dkt. 43016-C/JPW/MAF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Philip O. Livingston and Friedhelm Helling
Serial No.: 08/475,784 Examiner: A. Holleran
Filed : June 7, 1995 Group Art Unit: 1642
For : GANGLIOSIDE-KLH CONJUGATE VACCINES WITH QS-21

1185 Avenue of the Americas
New York, New York 10036

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

TERMINAL DISCLAIMER

Sloan-Kettering Institute for Cancer Research, 1275 York Avenue, New York, New York 10021 is the Assignee of record of the entire right, title and interest in and to this application by virtue of an Assignment from Philip O. Livingston and Friedhelm Helling to Sloan-Kettering Institute for Cancer Research which was recorded in the U.S. Patent and Trademark Office on November 13, 1995 at Reel No. 7742, Frame No. 0338, a copy of which is attached hereto as Exhibit 1.

Sloan-Kettering Institute for Cancer Research, 1275 York Avenue, New York, New York 10021 is also the Assignee of record of the entire right, title and interest in and to U.S. Serial No. 08/477,147 filed June 7, 1995, by virtue of an Assignment from Philip O. Livingston and Friedhelm Helling to Sloan-Kettering Institute for Cancer Research which was recorded in the U.S. Patent and Trademark Office on August 14, 1995 at Reel No. 7580, Frame 0708, a copy of which is attached hereto as Exhibit 2.

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Sloan-Kettering Institute for Cancer Research hereby disclaims, except as provided below, the terminal portion of the statutory term of any patent granted on the above-identified application which would extend beyond the earliest expiration date of the full statutory term, as defined in 35 U.S.C. §154 to §156 and §173, of any patent issuing from application Serial No. 08/477,147 and hereby agrees that any patent issued from the present application shall be enforceable only for and during such period that the legal title to such patent shall be the same as the legal title to any patent issuing from application Serial No. 08/477,147, this agreement to run with any patent granted on the present application and to be binding upon the grantor, its successors and assignees.

In making the above disclaimer Sloan-Kettering Institute for Cancer Research does not disclaim the terminal part of any patent granted on the present application that would extend to the earliest expiration date of the full statutory term, as defined in 35 U.S.C. §154 to §156 and §173, of any patent issuing from application Serial No. 08/477,147 in the event that any patent issuing from application Serial No. 08/477,147 later: expires for failure to pay a maintenance fee, is found unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term.

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I have reviewed the assignment attached hereto as Exhibit 1 and certify that, to the best of my knowledge and belief, Sloan-Kettering Institute for Cancer Research has all right, title, and interest in and to the present application. I further certify that I am authorized to sign on behalf of the assignee, Sloan-Kettering Institute for Cancer Research.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Date: 12/03/03

Sloan-Kettering Institute
for Cancer Research

By:

James S. Quirk
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